

Status of the Pending Claims

The Final Office Action maintains in virtually identical wording the rejections of the prior examination, modified only to assert that Rackson teaches the features entered into claim 27 by the most recent amendment. Specifically, Claims 27-31, 34-37 and 47-52 stand rejected under 35 U.S.C. § 102 as being allegedly anticipated Rackson et al., U.S. Patent No. 5,823,935 ("Rackson"). Claims 31-33 are rejected under 35 U.S.C. § 103 as allegedly unpatentable over Rackson in view of Robinson et al., U.S. Patent No. 6,415,270 ("Robinson"). Claims 38-43 are rejected under 35 U.S.C. § 103 as allegedly unpatentable over Rackson. Claims 44-46 are rejected under 35 U.S.C. § 103 as allegedly unpatentable over Rackson in view of Strickland, U.S. Patent No. 5,956,024 ("Strickland"). The concurrently filed Amendment Dated January 24, 2005 adds new claims 53-66.

Reply to Response to Arguments

The Final Official Action contends that claimed system of "libraries" containing reusable resources for creating auction advertisements is shown in Rackson at 8/63-9/38, which the examiner admits only shows "setting up an account" that allows users to establish parameters for placing an item for auction. The examiner then contends that "setting up an account" is "essentially advertising" in the claimed manner. The examiner also maintains that "auction templates" are disclosed in Rackson is at 9/25-35. This passage, however, merely states that the user can "specify" selling parameters including a variety of items including item description, graphic representation, photograph, etc. It teaches nothing about reusable advertisement templates or "libraries" storing reusable resources including auction templates, textual descriptions of items in inventory, and item image records. Nor does Rackson teach or suggest the claimed feature of automatically creating auction submissions based on selections of these stored resources. The minimal teaching Rackson referenced by the examiner simply does not teach or suggest these claimed elements.

The examiner continues to maintain that Rackson at Fig. 14 disclosed the claimed auction management report consolidating and updating auction information for multiple items offered for sale at auction. However, Rackson at Fig. 14 only describes a report for displaying information relating to an optimal bid for an item be purchased at

auction, and does not disclose an auction monitoring report containing records pertaining to items posted for sale at auction. In fact, there is no auction monitoring report disclosed in Rackson in connection with the sellers' routine shown in Fig. 4.

The examiner continues to maintain that Robinson suggests the reflection of a sales record in an auction management system. But Robinson merely describes the creation of an encrypted digital sales receipt in connection with an electronic transaction and does not show or suggest the inclusion of a billing record, sales record, payment information or shipping information in connection with an auction consolidation account. See the Abstract of Robinson. Robinson fails to describe the content of the sales receipt and, therefore, does not show or suggest the inclusion of any specific information, such as shipping information, in an auction monitoring report. Robinson also fails to describe any motivation for combining an electronic sales receipt with the system disclosed in the Rackson patent.

The examiner further contends that the manual practices of an auction house, such as Sotheby's, anticipates or suggests the automatic delivery of an electronic auction closing report to the seller and reflection of this report in an auction monitoring report. Of course, a manual auction process does not anticipate or suggest an automatic auction submission and monitoring system including automatic creation and maintenance of an electronic auction monitoring report. Respectfully, the examiner's contention is legally untenable.

The examiner further maintains that Strickland shows a tracking and updating database, and that it would have been obvious to combine this system with the reports of Rackson. However, Fig. 1 of Strickland actually shows a graphical user interface in which each icon represents a function that is activated by clicking on the associated icon. See Strickland at col. 3, lines 4-9. The specific graphical user interface described in Strickland, which is used by customer service representatives for subscriber management systems, does not show or suggest the receipt and display of user input into auction tracking fields in an auction monitoring report, as recited in claim 44 of the present application. Nor does the combination of Rackson and Strickland show or suggest the use of action tracking fields in a consolidated auction monitoring report to indicate the status of post-sale tasks associated with managing auctions, such as buyer notification, payment received, auction item shipped, and payment received as recited in claim 45 of the present application. Nor does the combination of Rackson and

an auction processing instruction from settings data associated with the corresponding account, performing an operation in accordance with the auction processing instruction; and setting one of the tracking field to indicate completion of the operation, as recited in claim 46 of the present application.

Response to Rejections Under 35 U.S.C. §§ 102 and 103

Rejection of Claims 27-31, 34-37 and 47-52 Under 35 U.S.C. §§ 102

Unfortunately, Final Office Action continues to maintain that Rackson discloses features that it simply does not. In particular, Rackson does not describe any details pertaining to the creation of auction submissions, but merely lists some of the elements that might be included in an auction submission. Rackson at column 9, lines 25-25. This listing does not suggest the creation of auction submissions using stored resources including predefined textual descriptions, images and predefined advertisement templates stored in a system of record libraries. In fact, Rackson does not describe any methodology for creating auction submissions or storing reusable resources for creating the requests. Maintaining that Rackson anticipates these claim features is legally incorrect because it plainly does not teach the claimed elements identified above. MPEP § 2143.03.

Moreover, Rackson only describes a reporting interface containing information about an item that the user is attempting to purchase at an optimal price. See Rackson at Fig. 14: This Fig. does not suggest creating and updating a consolidated auction monitoring report containing multiple records in which each record pertains to a respective item offered for sale at auction. Rather, there is no auction monitoring report for sellers disclosed in Rackson. Again, maintaining that Rackson anticipates these claim features is legally incorrect. MPEP § 2143.03.

Rejection of Claims 31-33 based on Rackson in view of Robinson

Paragraph 8 of the Official Action rejects claim 31-33 under 35 U.S.C. 103(a) as allegedly unpatentable over Rackson in view of Robinson. It should initially be noted that claims 31-33 depend from claim 27 and are, therefore, patentable for the reasons stated above with reference to claim 27. In addition, claims 31-33 add further elements directed to creating and storing or transmitting a billing record, a sales record, payment information and shipping information in connection with the auction consolidation

account. The Official Action admits that Rackson does not show these features but claims that Robinson does. But Robinson merely describes the creation of an encrypted digital sales receipt in connection with an electronic transaction and does not show or suggest the inclusion of a billing record, sales record, payment information or shipping information in connection with an auction consolidation account. See the Abstract of Robinson.

Robinson also fails to describe the content of the sales receipt and, therefore, does not show or suggest the inclusion of any specific information, such as shipping information, in an auction monitoring report. Robinson also fails to describe any motivation for combining an electronic sales receipt with the system disclosed in the Rackson patent. Rather, the combination is not motivated because the electronic sales receipt described in Robinson would be superfluous in the multi-auction service described in Rackson in view of the interface shown in Fig. 14 of Rackson for displaying information associated with an item that the user is attempting to purchase. Although the Official Action claims that it would have been obvious to combine the electronic sales receipt of Robinson with the interface shown in Fig. 14 of Rackson "in order to authenticate an electronic transaction by providing both parties with an accurate and secure record of the transaction" this has no bearing on the present application, which does not address authentication or security of transactions. Rather, the present application is concerned with facilitating the management of auctions, which has nothing to do with the encryption system described in Robinson.

Moreover, the combination of Rackson and Robinson would not create the invention of claims 31-33 because neither reference shows or suggests the creation of an auction submission by combining stored resources, such as an inventory record and an image record, with a predefined advertisement template. Accordingly, the combination of Rackson and Robinson does not establish a *prima facie* case of obviousness for invention recited in claims 31-33 of the present application because each element of the claimed invention is not shown or suggested in one of the references. MPEP § 2143.03.

Rejection of Claims 39-43 35 Under U.S.C. §§ 103 Based on Rackson

Claims 38-43 are rejected based on Rackson alone. Because claims 39-43 depend from claim 27, this rejection was addressed previously with reference to claim

27. Moreover, Rackson does not show the various features recited in claims 38-43, and Rackson does not show a comprehensive system for reporting auction status as claimed in the Official Action. Rather, as noted previously, Fig. 14 of Rackson only shows a report concerning an optimal bid for an item that the user would like to purchase. It does not show or suggest consolidated reporting for multiple items the user has offered for sale. Nor does Rackson show or suggest automatically implementing post-sale activity, such as sending a notice of the auction closing in a manner specified in a record associated with the account, as recite in claim 41 of the present application.

Further, claim 42 recites additional automatic post-sale activity including notifying a selling party of the sale, notifying the buying party of the sale, and creating a sales record documenting the auction closing. Rackson does not show or suggest these elements. In addition, claim 43 recites even more automatic post-sale activity, including obtaining an automatic feedback instruction from settings data associated with the corresponding account and transmitting auction feedback data to the corresponding site in accordance with the automatic feedback instruction. Again, Rackson does not show or suggest these elements.

The examiner's contention that the post-sale activity elements recited in claims 41-43 are suggested by Rackson is unsupported by the cited sections of the reference (i.e., Figs. 12-14 and associated column and line citations), which merely describe the processes and features associated with the interface shown in Fig. 14 of Rackson for displaying information associated with an item that the user is attempting to purchase at an optimal bid. These sections of Rackson do not show or suggest any type of post-sale activity, such as the claimed features of notifying a selling party of the sale, notifying the buying party of the sale, creating a sales record documenting the auction closing, and obtaining an automatic feedback instruction from settings data associated with the corresponding account and transmitting the auction feedback. Accordingly, Rackson cannot establish a *prima facie* case of obviousness for the invention recited in claims 39-43 of the present application because each element of the claimed invention is not shown or suggested in this reference. MPEP § 2143.03.

Rejection of Claim 44-46 based on Rackson in view of Strickland

Paragraph 11 of the Official Action rejects claims 44-46 as being unpatentable over Rackson in view of Strickland. These claims are directed to the use of action tracking fields in the consolidated auction monitoring report to indicate the status of certain tasks associated with managing auctions, such as buyer notification, payment received, auction item shipped, and payment received. The Official Action contends that Fig. 1 of Strickland shows a customer management interface for tracking parameters such as payment status, buyer notification and delivery status. But this contention is incorrect. Fig. 1 of Strickland actually shows a graphical user interface in which each icon represents a function that is activated by clicking on the associated icon. See Strickland at col. 3, lines 4-9. Moreover, the specific graphical user interface as described in Strickland, which is used by customer service representatives for subscriber management systems, does not show or suggest the receipt and display of user input into auction tracking fields in an auction monitoring report, as recited in claim 44 of the present application.

Further, the combination of Rackson and Strickland does not show or suggest the use of action tracking fields in a consolidated auction monitoring report to indicate the status of post-sale tasks associated with managing auctions, such as buyer notification, payment received, auction item shipped, and payment received as recited in claim 45 of the present application. Nor does the combination of Rackson and Strickland show or suggest automatically implementing post-sale functions by obtaining an auction processing instruction from settings data associated with the corresponding account, performing an operation in accordance with the auction processing instruction; and setting one of the tracking field to indicate completion of the operation, as recited in claim 46 of the present application. Accordingly, the combination of Rackson and Strickland et al. does not establish a *prima facie* case of obviousness for invention recited in claims 44-46 of the present application. MPEP § 2143.03.


Further, the combination of Rackson and Strickland does not show or suggest the use of action tracking fields in a consolidated auction monitoring report to indicate the status of post-sale tasks associated with managing auctions, such as buyer notification, payment received, auction item shipped, and payment received as recited in claim 45 of the present application. Nor does the combination of Rackson and Strickland show or suggest automatically implementing post-sale functions by obtaining

Strickland show or suggest automatically implementing post-sale functions by obtaining an auction processing instruction from settings data associated with the corresponding account, performing an operation in accordance with the auction processing instruction; and setting one of the tracking field to indicate completion of the operation, as recited in claim 46 of the present application. Accordingly, the combination of Rackson and Strickland does not establish a *prima facie* case of obviousness for invention recited in claims 44-46 of the present application. MPEP § 2143.03.

CONCLUSION

It is believed that the preceding remarks are completely responsive to the Final Official Action mailed October 20, 2004, and that the claims are in condition for allowance. If the Examiner believes that there are any issues that can be resolved by a telephone conference, or that there are any informalities that can be corrected by an Examiner's amendment, please call Mike Mehrman at (404) 497-7400.

Respectfully submitted,


By: Michael J. Mehrman
Reg. No. 40,086

Mehrman Law Office, P.C.
5605 Glenridge Drive, Suite 795
Atlanta, GA 30342
404 497 7400 telephone
404 497 7405 facsimile
mike@mehrmanlaw.com